

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Application of LaFarge North America for an
Exemption from the Railroad Track Clearance
Law of Structures in Green Bay, Brown County

9164-RV-630

FINDINGS OF FACT AND ORDER

On December 23, 2005 Brander Construction Technology, Inc., on behalf of LaFarge North America (LaFarge) filed an application with the Office of the Commissioner of Railroads under sections 192.31 and 192.53, Wis. Stats., and sections RR 2.15 and RR 2.16, Wis. Adm. Code, for an exemption from the railroad track clearance laws of structures located at 125 Ninth Street in the City of Green Bay, Brown County. The petitioner has proposed the construction of an overhead tank support structure at its Green Bay terminal. The support beams are proposed to be located 6 feet 10 inches from track centerline.

Pursuant to due notice, hearing was held on January 31, 2006 before examiner Thomas Running.

Appearances:

LaFarge North America, applicant
by
Patrick R. McCormick
2357 West Mason Street
Green Bay, WI 54303

Findings of Fact

THE COMMISSIONER FINDS:

LaFarge Corporation operates a cement blending operation at 125 9th Street in the City of Green Bay. It proposes a new steel platform to support two new overhead silos for the storage of cement. The site is located in an area that has limited space on either side of the track. The north side has existing storage units, and the south side has a driveway and a dock for the storage of a barge. Cars are positioned in the area by the use of a mobiletrack self propelled unit to push and pull the rail cars into position. The area of close clearance is approximately 50 feet. The track in the area is tangent, and the grade is level. There are no other industries on this spur track.

Wisconsin law requires a minimum of 23 feet vertical clearance and 8 feet 6 inches horizontal clearance. The petitioner seeks exemption from both requirements.

Construction and maintenance of the platform and support structure for the overhead storage tanks will not imperil life and limb, and the public interest permits such construction, subject to the conditions set forth in the following order.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the Office has jurisdiction under sections 192.31 and 192.53, Wis. Stats., and sections RR 2.15 and 2.16, Wis. Adm. Code, to grant the requested exemption, and such an appropriate order should be entered in accordance with the above Findings of Fact.

Order

THE COMMISSIONER THEREFORE ORDERS:

1. That an exemption from the railroad clearance and telltale requirements of sections 192.31 and 192.53, Wis Stats., and sections RR 2.15 and RR 2.16, Wis Adm. Code, is hereby granted with respect to the proposed construction, subject to the condition that Lafarge install and maintain a "No Clearance" sign in advance of the location.
2. That the clearances authorized, subject to the aforementioned condition, is a minimum horizontal clearance of 6 feet 10 inches from track centerline to the support pillars, and 22 feet 0 inches from top of rail to the overhead support beam.
3. That jurisdiction is retained.

Dated at Madison, Wisconsin, (February 14, 2006).

By the Office of the Commissioner of Railroads

Rodney W. Kreunen, Commissioner